

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FRUIT OF THE LOOM, INC.,

Plaintiff,

-against-

CLAUDE NAHUM, individually and
doing business as CLAUDIO NUCCI;
NUCCI INTERNATIONAL CORP.;
CONWAY STORES, INC.; and
John Does 1 through 50,

Defendants.
-----X

VICTOR MARRERO, United States District Judge.

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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7-6-05

04 CV 10271 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

Magistrate Judge Gabriel W. Gorenstein, to whom the Court referred this matter for settlement, memorandum dated June 29, 2005, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties

shall be directed to appear before the Court, without the necessity of additional process, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The contempt hearing and trial scheduled for July 11, 2005 are canceled.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
5 July 2005



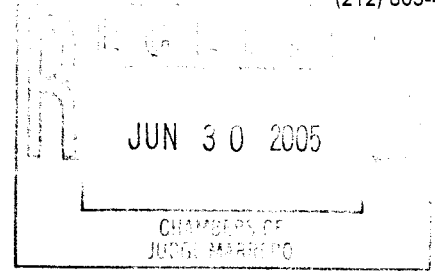
Victor Marrero
U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
40 FOLEY SQUARE
NEW YORK, NEW YORK 10007-1581


GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

TELEPHONE:
(212) 805-4260

MEMORANDUM



To: Hon. Victor Marrero
United States District Judge

From: Hon. Gabriel W. Gorenstein 
United States Magistrate Judge

Re: Fruit of the Loom v. Nahum et al.

Docket No.: 04 Civ. 10271 (VM) (GWG)

Date: June 29, 2005

On June 29, 2005, a settlement conference was held with the parties following which a settlement was reached. I recommend that you issue a "30 day order" under which the case is automatically closed in 30 days unless a party seeks to re-open the matter.

Please let me know if I can be of further assistance. The Order of Reference will now be closed.

cc: Dorothy Guranich, Clerk's Office